

# **DELAWARE GUARD**



**STATE TUITION  
REIMBURSEMENT  
PROGRAM LAW**

# **TITLE 14**

## **Education**

### **Free Public Schools**

#### **CHAPTER 34. FINANCIAL ASSISTANCE FOR HIGHER EDUCATION**

##### **Subchapter XI. Delaware National Guard Educational Benefits**

###### **§ 3480 Education benefits.**

(a) Any active member of a federally recognized unit of the Delaware National Guard who meets the requirements for satisfactory membership as defined by the Adjutant General of the Delaware National Guard shall be eligible for funding support by the Delaware National Guard for certain postsecondary education tuition and fees under the following conditions:

(1) The member must first apply for and utilize all other reasonably available tuition assistance programs, including scholarships, grants and civilian employer education benefit programs.

(2) The member must make application to the Adjutant General for tuition and fee assistance in advance of a class or course of instruction according to a schedule announced by the Adjutant General.

(3) Education benefits authorized by this section may be used only for attendance at a postsecondary educational institution either financially supported by the State or, if private, located in the State. If a member chooses to attend a State-supported institution, tuition and fees shall be reimbursed for the full amount expended, not to exceed the in-state resident rate. If a member chooses to attend a Delaware private institution, the amount of the benefit shall be equal to the average tuition and fees of the Delaware postsecondary institutions which offer the class or course of instruction, based on the in-state resident rate. State-supported institutions shall charge members the in-state rate for tuition and fees and treat members as an in-state applicant or student regardless of the members' state of residence.

(4) Each class or course of instruction taken by a member must be one that is required by the institution for the award of a specific certificate or of a specific associate's degree, bachelor's degree or master's degree.

(5) The per-member benefits granted under this section shall be limited to only 1 certificate or degree program at each level of study, namely, a certificate program, an associate's degree, bachelor's degree or master's degree.

(6) A member may be enrolled in a certificate or degree program full-time or part-time.

(7) A member may not receive education benefits pursuant to this section more than 10 years after the date on which the member begins the first course for which funds are granted. However, in the event that a member is called to active duty or to an activation that requires the member to discontinue that member's education benefits the 10-year limit may be extended by the amount of time the member serves on that active duty or activation.

(8) This tuition and fee assistance program will be subject to the limits of the total funding appropriated by the General Assembly and approved by the Governor for that purpose.

(b) In order to receive funds for tuition and fees for a postsecondary class or course of instruction authorized by this section, a member must:

(1) Agree to serve in a satisfactory manner for a period of not less than 6 years in the Delaware National Guard. The 6-year requirement may include service time before, during and after the member receives funding for education benefits pursuant to this section;

(2) Earn a grade no lower than a 2.0 on a 4.0 scale, or its equivalent, for each individual course for which tuition and fee assistance is granted. In any course for which a specific grade is not issued, the member must show documentation to verify satisfactory completion. Failure to maintain a cumulative grade point average of 2.0 or higher will be cause for forfeit of funding for all courses taken for the semester or period in which the grade point average remains below the 2.0 level; and

(3) Submit to the Adjutant General within 45 days after completing a course proof of:

- a. The course title and grade received;
- b. The amount of tuition and fees paid for the course;
- c. The name of the postsecondary institution where the course was taken; and
- d. Evidence of the member's cumulative grade point average for courses taken to date.

(c) The Adjutant General shall appoint a board to adopt rules and regulations and to provide forms as deemed necessary and proper for the efficient administration of this section.

(d) Upon approval by the Adjutant General, and subject to the availability of appropriated funds, tuition and fee assistance shall be provided by the Delaware National Guard to the member from funds appropriated to the National Guard in the annual Budget Appropriations Act or in amendments thereto for that purpose. If funding is not

appropriated to fully support the program, master's degree reimbursement will be reduced prior to any reductions to members applying for funds to obtain an associate's degree or bachelor's degree.

(e) A member who has received funding pursuant to this section but who does not fulfill the service commitment required by paragraph (b)(1) of this section, or who is terminated from the National Guard for cause, or who otherwise fails to comply with any requirement of this section shall immediately become ineligible to receive education benefits pursuant to this section and shall repay the Delaware National Guard for all tuition and fee funding previously extended to the member, including interest, on a pro rata basis from the time of termination or noncompliance. The Adjutant General shall determine the amount of repayment due by the member pursuant to this subsection.

(f) If membership in the National Guard is terminated for other than cause, the member will not be required to repay previously funded tuition and fees.

(g) A member shall not receive funding for any tuition or fees not applied for prior to termination for any reason of membership in the National Guard.

(h) The Adjutant General shall report annually to the General Assembly:

(1) The number of members who participated at each Delaware postsecondary school during the year;

(2) The total amount of tuition and fee expenditures made pursuant to this section during the year;

(3) The total amount required to be repaid to the National Guard by defaulting members during the year; and

(4) The total amount of moneys actually repaid by defaulting members during the year.

62 Del. Laws, c. 258, § 3; 64 Del. Laws, c. 45, § 1; 65 Del. Laws, c. 440, §§ 1, 2; 70 Del. Laws, c. 186, § 1; 71 Del. Laws, c. 454, § 1; 73 Del. Laws, c. 188, § 1; 77 Del. Laws, c. 208, §§ 1-3, 5.;

**§§ 3481 , 3482. [Reserved.]**